

Message Text

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TO AMEMBASSY LONDON

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C O N F I D E N T I A L STATE 010847

FOLLOWING REPEAT USUN 7003 ACTION SECSTATE INFO PRETORIA
31 DEC

QUOTE

C O N F I D E N T I A L USUN 7003

E.O. 11652: GDS

TAGS: PFOR, UN, US, WA

SUBJ: NAMIBIA -- UN COUNCIL FOR NAMIBIA - DECREE NO. 1

REF: ADDIS ABABA 13938 (NOTAL)

1. US DELEGATION BELIEVES NAMIBIA DECREE NO. 1 (NAMIBIA
GAZETTE NO. 1 DECREE NO. 1 FOR THE PROTECTION OF THE
NATURAL RESOURCES OF NAMIBIA) MAY OFFER USG A PARTICULARLY
USEFUL OPPORTUNITY TO DEMONSTRATE WILLINGNESS TO FOLLOW
THROUGH ON IMPLICATIONS OF OUR ACCEPTANCE OF ICJ ADVISORY
OPINION ON NAMIBIA AND OUR VOTE IN FAVOR OF SECURITY COUNCIL
RESOLUTION 301 (1971) IN SUPPORT OF ADVISORY OPINION. WE
URGE THE DEPARTMENT EXPLORE THIS POSSIBILITY.

2. SOME NEW USG INITIATIVE AT THIS TIME IS NEEDED TO COUNTER
FEELING AMONG AFRICA STATES (REPORTED IN ADDIS ABABA
13938) THAT US DOES NOT SUPPORT AND EVEN OPPOSES IMPORTANT
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AFRICAN ASPIRATIONS REGARDING SOUTH AFRICA AND RHODESIA.

CERTAINLY FROM AFRICAN POINT OF VIEW, THIS FEELING IS HARDENED BY ACTS SUCH AS FAILURE TO REPEAL BYRD AMENDMENT-AND US VETO OF CHAPTER 7 ACTION AGAINST SOUTH AFRICA. IN SECURITY COUNCIL RES. 301, HOWEVER, US DID VOTE FOR LANGUAGE STATING THAT SOUTH AFRICAN REFUSAL TO WITHDRAW FROM NAMIBIA COULD CREATE CONDITIONS DETRIMENTAL TO THE MAINTENANCE OF PEACE AND SECURITY IN THE REGION. ACCEPTANCE OF 1971 ACJ ADVISORY OPINION PLACES STATES UNDER OBLIGATION TO REFRAIN FROM ACTS AND DEALINGS WITH SAG WHICH IMPLY RECOGNITION OF LEGALITY OF SA PRESENCE IN NAMIBIA. TAKING STEPS CONSISTENT WITH COUNCIL OF NAMIBIA DECREE NO. 1 WOULD BE RESPONSIVE TO INTENT OF SC RES. 301 AND 1971 ICJ OPINION AND WOULD SHOW THAT CHAPTER 7 VETO DOES NOT MEAN US UNWILLING TO SUPPORT INTERNATIONAL ACTION AGAINST ILLEGAL SA PRESENCE.

3. SUCH A MOVE COULD ASSIST US IN FURTHERING AFRICAN TENDENCY TO SPLIT ON UN VOTES IMPORTANT TO US. DURING PAST TWO YEARS THERE HAVE BEEN ENCOURAGING VOTE DIVISIONS ON CAMBODIA, KOREA, ZIONISM AND ISRAELI EXPULSION. IN LIGHT OF US NON-PARTICIPATION IN DECADE AGAINST RACISM AS RESULT OF ANTI-ZIONIST RESOLUTION, AND TO HIGHLIGHT SOLE REASON FOR OUR NON-PARTICIPATION, US WOULD GAIN BY MAKING SPECIAL EFFORT TO DEMONSTRATE SINCERITY OF ITS OWN COMMITMENT TO OPPOSE NATIONAL POLICIES OF GENUINE RACISM.

4. US DELEGATION REQUESTS DEPARTMENT AUTHORIZATION FOR US TO ANNOUNCE IN SECURITY COUNCIL DELEGATE NEXT MONTH THAT USG CONSIDERS DECREE NO. 1 TO BE CONSISTENT WITH ICJ ADVISORY OPINION WHICH USG HAS ACCEPTED AND THE WARNINGS WE ISSUED MAY 19, 1970, AND THAT USG PLANS TO INFORM US INVESTORS, SHIPPERS AND PURCHASERS THAT THEY INVEST IN, CARRY AND/OR PURCHASE GOODS PRODUCED OR EMANATING FROM NAMIBIA AT THEIR OWN PERIL. IT COULD ALSO BE POSSIBLE TO ANNOUNCE THAT THIS DECISION IS LIMITED TO INVESTMENTS MADE (A) AFTER THE TERMINATION DATE OF THE MANDATE, (B) AFTER THE ICJ DECISION OR AFTER THE NAMIBIA DECREE OR THE DATE OF THE US ANNOUNCEMENT.

5. IT SEEMS TO US WHEN, AS, AND IF THE COUNCIL FOR NAMIBIA ATTEMPTS TO TAKE ANY OF THE ISSUES RAISED BY THE DECREE INTO US COURTS THE ADMINISTRATION COULD EITHER LEAVE MATTER CONFIDENTIAL

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WHOLLY TO COURTS TO DECIDE OR RESTRICT ITSELF TO PROVIDING COURT WITH COPY OF STATEMENT WE WOULD MAKE HERE IF DEPARTMENT AUTHORIZES US TO DO SO AS WELL AS OTHER US STATEMENTS, INCLUDING THAT OF MAY 19, 1970. IF AN EFFORT WERE MADE TO, IN FOREIGN TRIBUNALS, ATTACH OR SEQUESTER AMERICAN PROPERTY OUR RESPONSE WOULD HAVE TO BE TAILORED TO FIT THE CIRCUMSTANCES.

6. OTHER CONSIDERATIONS PRO AND CON SHOULD BE NOTED.

FOR: (A) OUR ACTION WOULD MAKE US APPEAR FORTHCOMING IN
THE SECURITY COUNCIL DEBATE CURRENTLY SCHEDULED TO BEGIN
JANUARY 26; (B) THE COMMITMENT COULD BE MARGINAL AND ESSENTIALLY
SYMBOLIC IF THE ACTION WERE TAKEN BY A DEVICE SUCH AS AN
EXPRESSION OF WILLINGNESS "TO STUDY THE QUESTION";
IT COULD ENCOURAGE OTHER WESTERN NATIONS TO FOLLOW
SUIT. ON THE NEGATIVE SIDE, ACTION WOULD (A) ACCEPT THE PRINCIPLE OF
EXPROPRIATION WITHOUT COMPENSATION, AND BY A NON-STATE,
AT THAT; (B) IT COULD DISCOURAGE ALTERNATIVE (NEWMONT)
FINANCING POSSIBILITIES FOR SWAPO, LEAVING SWAPO WITH
THE CHINESE, THE SOVIETS OR THE CIA AS ALTERNATIVES FOR
FINANCING, AND (C) IT WOULD LEAVE US ISOLATED SINCE NO
OTHER WESTERN COUNTRY, EVEN AMONG LIBERALS SUCH AS THE
NETHERLANDS, HAS TAKEN THE STEP.
MOYNIHAN
UNQTE. KISSINGER

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